

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVELL C. HOLMES,

Plaintiff,

v.

DAVID BAUGHMAN, et al.,

Defendants.

No. 2:20-cv-1496 DAD DB P

ORDER

Plaintiff is a state prisoner proceeding with a civil rights action under 42 U.S.C. § 1983. Plaintiff has filed a document in which he states that, due to recent mental health problems, he is uncertain about the status of this case. Plaintiff is informed that on September 13, 2022, defendant Soltanian filed a motion to compel plaintiff to respond to interrogatories and requests for admissions. Plaintiff should have been served with a copy of the motion. However, the proof of service attached to the motion states that it was mailed to plaintiff on August 19, 2022. (ECF No. 78-1 at 5.) That date appears to be incorrect because defendant's counsel signed the motion after that time, on September 13, 2022. (ECF No. 78-1 at 4.)

Based on the confusion about service of the motion and based on plaintiff's recent health problems, this court finds good cause for defendant Soltanian to serve, or re-serve, the motion. Plaintiff will have 21 days from the date he is served with the motion to file a response to it. E.D. Cal. R. 230(l).


Accordingly, IT IS HEREBY ORDERED as follows:

1. Within ten days of the filed date of this order, defendant Soltanian shall serve plaintiff with a copy of the motion to compel filed September 13, 2022.

2. Within 21 days after he is served with a copy of the motion, plaintiff shall file a response.

3. Defendant may file a reply to the motion as set out in Local Rule 230(l).

Dated: October 31, 2022

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

DLB:9  
DB Prisoner Inbox/Civil Rights/R/holm1496.mtc re-serve